

**BEFORE THE ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA**

**2005 Integrated Energy Policy Report
Electricity Demand Forecast Data**

Docket No. 04-IEP-1D

**NOTICE OF APPEAL OF ENERGY COMMISSION'S
DENIAL OF CONFIDENTIALITY**

BACKGROUND

On February 9, 2005, APS Energy Services (APS) filed Electricity Demand Forecast forms 1.1, 1.3, 1.6 (Hourly usage) and 2.4 with the Energy Resources Conservation and Development Commission of the State of California (Energy Commission) for use in the 2005 Integrated Energy Policy Report (IEPR) proceeding. As part of that filing, APS sought a designation of confidentiality and requested that the designation of confidentiality be permanent. On March 9, 2005, the Energy Commission's Executive Director issued a decision denying, in part, APS's application for confidentiality. Specifically, the Executive Director found:

. . . forms 1.1, and 1.3 (columns labeled "Total," "Total Peak", and "Average Annual Growth Rate") are deemed public and will not be given confidentiality since this aggregated information is not sufficiently detailed to provide others with a competitive business advantage.

On March 23, 2005, APS filed a timely appeal of the Executive Director's denial of confidentiality. Accordingly, we have scheduled APS's appeal at the Energy Commission's Business Meeting noticed below.

NOTICE OF APPEAL

The Energy Commission will consider APS's appeal of the Executive Director's decision denying APS's application for confidentiality pursuant to California Code of Regulations, title 20, section 2505(a)(3), at the following Energy Commission Business Meeting:

WEDNESDAY, APRIL 13, 2005
Beginning at 10 a.m.

California Energy Commission
1516 9th Street
Hearing Room A
Sacramento, California 95814
[Wheelchair Accessible]

At this event, all parties (staff, applicant, and interested parties) may present their respective positions and supporting rationale regarding the Executive Director's decision denying APS's application for confidentiality. At the conclusion of the discussion of this agenda item, the Energy Commission may solicit additional information from interested parties.

PUBLIC PARTICIPATION

Members of the public and interested governmental agencies are invited to attend this Business Meeting, and may offer public comment upon the matters discussed. These public comments will be entered into the record, and the Energy Commission may rely on them to supplement or explain its decision in this matter. Public comments by themselves, however, are not sufficient to support a finding of fact or a decision on an issue.

Interested persons and governmental agencies are encouraged to attend. Public comment on this matter should be submitted, in writing, to the **Energy Commission's Docket Unit, located at 1516 Ninth Street, MS-4, Sacramento, California, 95814-5512, no later than 5:00 p.m. on April 8, 2005.** Identify these comments with "**Docket No. 04-IEP-1D.**"

The Energy Commission's Public Adviser, Margret Kim, is available to provide information or to assist those interested in participating at this hearing. She may be reached at (916) 654-4489 or, toll free, at 1-800-822-6228; or e-mail: **[Mkim@energy.state.ca.us]**.

FURTHER INFORMATION

If you have a disability and need assistance to participate at this event, please contact Lou Quiroz at (916) 654-5146, at least five days prior to the event you wish to attend. News media inquiries should be directed to Claudia Chandler at (916) 654-4989, or e-mail: **[energia@energy.state.ca.gov]**.

Information concerning the status of the Business Meeting agenda item, as well as notices, hearing transcripts, and other relevant documents, is also available on the Energy Commission's Internet home page at:
[\[www.energy.ca.gov/2005_energypolicy/index.html\]](http://www.energy.ca.gov/2005_energypolicy/index.html).

Questions of a legal or procedural nature should be directed to Staff Counsel, Tom Glaviano, at (916) 651-8893.

Dated _____, in Sacramento, California.

JACKALYNE PFANNENSTIEL
Vice Chair
California Energy Commission